CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

2016 DEC -1 AM 10:22

DEPUTY CLERK ______

UNITED STATES OF AMERICA

v. No. 6:16-CR-028-C

JEFFREY NEAL CUDDINGTON

PLEA AGREEMENT

Jeffrey Neal Cuddington, defendant, Christopher W. Lewis, the defendant's attorney, and the United States of America (the government), agree as follows:

1. **Rights of the defendant**: Cuddington understands that he has the following rights:

   a. to plead not guilty;

   b. to have a trial by jury;

   c. to have his guilt proven beyond a reasonable doubt;

   d. to confront and cross-examine witnesses and to call witnesses in his defense; and

   e. against compelled self-incrimination.

2. **Waiver of rights and plea of guilty**: Cuddington waives these rights and pleads guilty to the offense alleged in Count One of the indictment filed herein, charging a violation of 18 U.S.C. §§ 2252(a)(2) and 2, that is, Receipt and Distribution of Visual Depictions of Minors Engaging in Sexually Explicit Conduct, and Aiding and Abetting. Cuddington understands the nature and elements of the crime to which he is pleading

guilty, and agrees that the factual resume he has signed is true and will be submitted as evidence.

3. **Sentence**: The maximum penalties the Court can impose include:

a. imprisonment for a period of not less than five (5) years, nor more than twenty (20) years;

b. a fine not to exceed $250,000.00;

c. a term of supervised release of not less than five (5) years, and up to life, which must follow any term of imprisonment. If Cuddington violates the conditions of supervised release, he could be imprisoned and subject to additional terms of supervised release and imprisonment as determined by the Court in accordance with law;

d. a mandatory special assessment of $100.00. Further, upon conviction, if the Court finds the defendant is not indigent, an additional mandatory special assessment of $5,000 must be imposed pursuant to 18 U.S.C. § 3014;

e. restitution to victims or to the community, which may be mandatory under the law, and which defendant agrees will include restitution arising from all relevant conduct for all counts of the indictment, not limited to that arising from the offense of conviction alone;

f. costs of incarceration and supervision; and

g. forfeiture of property.

4. **Court's sentencing discretion and role of the guidelines:** Cuddington understands that the sentence in this case will be imposed by the Court after consideration of the United States Sentencing Guidelines, as well as the factors contained in 18 U.S.C. § 3553(a). The guidelines are not binding on the Court, but are advisory only. Cuddington has reviewed the application of the advisory guidelines with his attorney, but

understands no one can predict with certainty what guideline range will apply in this case until after a presentence investigation has been completed and the Court has ruled on the results of that investigation.

5. **Court's discretion**: Cuddington understands that this plea agreement does not create a right to be sentenced within, or below, any particular guideline range, and fully understands that determination of the advisory guideline range, as well as the actual sentence imposed (so long as it is within the statutory maximum,) are solely in the discretion of the Court.

6. **Mandatory special assessment**: Cuddington agrees to pay to the U.S. District Clerk the amount of $100.00, in satisfaction of the mandatory special assessment in this case. He also agrees to pay an additional mandatory special assessment of $5,000.00 if the Court finds that he is not indigent.

7. **Defendant's cooperation**: The defendant shall give complete and truthful information and/or testimony concerning his participation in the offense of conviction. Upon demand, the defendant shall submit a personal financial statement under oath and submit to interviews by the government and the U.S. Probation Office regarding his capacity to satisfy any fines or restitution. The defendant expressly authorizes the United States Attorney's Office to immediately obtain a credit report on him in order to evaluate his ability to satisfy any financial obligation imposed by the Court. The defendant fully understands that any financial obligation imposed by the Court, including a restitution order and/or the implementation of a fine, is due and

payable immediately. In the event the Court imposes a schedule for payment of restitution, the defendant agrees that such a schedule represents a minimum payment obligation and does not preclude the U.S. Attorney's Office from pursuing any other means by which to satisfy the defendant's full and immediately enforceable financial obligation. The defendant understands that he has a continuing obligation to pay in full as soon as possible any financial obligation imposed by the Court.

8. **Sex Offender Registration Requirement:** Cuddington has been advised, and understands, that under the Sex Offender Registration and Notification Act, a federal law, Cuddington must register and keep the registration current in each of the following jurisdictions: where he resides; where he is an employee; and where he is a student. He understands that the requirements for registration include providing his name, his residence address, and the names and addresses of any places where he is, or will be, an employee or a student, among other information. He further understands that the requirement to keep the registration current includes informing each jurisdiction in which he resides, is an employee, or is a student, not later than three business days after any change of his name, residence, employment, or student status. Cuddington has been advised, and understands, that failure to comply with these obligations subjects him to prosecution for failure to register under federal law, 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

9. **Government's agreement**: The government will not bring any additional charges against Cuddington based upon the conduct underlying and related to Cuddington's plea of guilty. (This is limited to any charges that could be filed for possession, transportation, or receipt of child pornography or child obscenity, and does not restrict this district from filing any charges related to production of child pornography or any kind of sexual abuse or exploitation of a child, if evidence of such conduct is developed.)

The government will file a Plea Agreement Supplement in this case, as is routinely done in every case, even though there may or may not be any additional terms. This agreement is limited to the United States Attorney's Offices for the Northern District of Texas and does not bind any other federal, state, or local prosecuting authorities, nor does it prohibit any civil or administrative proceeding against Cuddington or any property.

10. **Forfeiture of Property**: The defendant agrees not to contest, challenge, or appeal in any way the administrative or judicial (civil or criminal) forfeiture to the United States of any property noted as subject to forfeiture in the indictment and in any bills of particulars, or seized or restrained by law enforcement officers during the investigation(s) related to this criminal cause. The defendant consents to entry of any orders or declarations of forfeiture regarding all such property and waives any requirements (including notice of forfeiture) set out in 19 U.S.C. §§ 1607-1609; 18 U.S.C. §§ 981, 983, and 985; the Code of Federal Regulations; and Rules 11, 32.2, and 43(a) of the Federal Rules of Criminal Procedure. The defendant agrees to provide

truthful information and evidence necessary for the government to forfeit such property. The defendant agrees to hold the government, its officers, agents, and employees, harmless from any claims whatsoever in connection with the seizure, forfeiture, storage, or disposal of such property.

11. **Violation of agreement**: Cuddington understands that if he violates any provision of this agreement, or if his guilty plea is vacated or withdrawn, the government will be free from any obligations of the agreement and free to prosecute Cuddington for all offenses of which it has knowledge. In such event, Cuddington waives any objections based upon delay in prosecution. If the plea is vacated or withdrawn for any reason other than a finding that it was involuntary, Cuddington also waives objection to the use against him of any information or statements he has provided to the government, and any resulting leads.

12. **Voluntary plea**: This plea of guilty is freely and voluntarily made and is not the result of force or threats, or of promises apart from those set forth in this plea agreement. There have been no guarantees or promises from anyone as to what sentence the Court will impose.

13. **Representation of counsel**: Cuddington has thoroughly reviewed all legal and factual aspects of this case with his lawyer and is fully satisfied with that lawyer's legal representation. Cuddington has received from his lawyer explanations satisfactory to him concerning each paragraph of this plea agreement, each of his rights affected by this agreement, and the alternatives available to him other than entering into

this agreement. Because he concedes that he is guilty, and after conferring with his lawyer, Cuddington has concluded that it is in his best interest to enter into this plea agreement and all its terms, rather than to proceed to trial in this case.

14. **Entirety of agreement**: This document is a complete statement of the parties' agreement and may not be modified unless the modification is in writing and signed by all parties.

AGREED TO AND SIGNED this 28th day of November, 2016.

JOHN R. PARKER
UNITED STATES ATTORNEY

JEFFREY NEAL CUDDINGTON
Defendant

STEVEN M. SUCSY
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DENISE B. WILLIAMS
Deputy Criminal Chief
Texas State Bar No. 02975990

I have read (or had read to me) this Plea Agreement and have carefully reviewed every part of it with my attorney. I fully understand it and voluntarily agree to it.

JEFFREY NEAL CUDDINGTON
Defendant

28 Nov 16
Date

I am the defendant's counsel. I have carefully reviewed every part of this Plea Agreement with the defendant. To my knowledge and belief, my client's decision to enter into this Plea Agreement is an informed and voluntary one.

CHRISTOPHER W. LEWIS
Attorney for Defendant

11/30/2016
Date